

# **APPENDIX B**

KK EXHIBITS 1 to 102

IOS IMESSAGE/SMS/MMS

CHAT PARTICIPANTS	
Number of participants	9
Display names	<div><div></div>7704</div> <div><div></div>0565</div> <div><div></div>0803</div> <div><div></div>5292</div> <div><div>Duke Maloney</div><div>Redacted</div></div> <div><div>John Fawcett</div><div>Redacted</div></div> <div><div>Local User</div><div></div></div> <div><div>Megan Benett</div><div>Redacted</div></div> <div><div>Steven R. Pounian</div><div>Redacted</div></div>
Local user	
CONVERSATION DETAILS	
Number of messages	316
First message sent date/time	8/31/2020 4:34:49 PM
Last message sent date/time	7/15/2021 7:05:06 PM
Case time zone	(UTC) Coordinated Universal Time

Duke Maloney

Redacted

Can we have a call this afternoon to discuss Yahoo?  
3:15 or 3:30?

↔ Unknown direction

7/15/2021 6:47:58 PM

**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Wednesday, July 21, 2021 4:11 PM EDT  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** Re: Jarrah Search

Will call you in 20 min

Sent via the Samsung Galaxy S21 Ultra 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

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**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Wednesday, July 21, 2021 3:49:01 PM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** RE: Jarrah Search

Just tried calling you. Call my cell **Redacted**

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**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Wednesday, July 21, 2021 3:38 PM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** Re: Jarrah Search

I performed the search on Lisa, Deb, Jim, John, Steve and your email accounts I did get a good number of results. Do you plan on coming into the office so we can go over it?

or discuss on phone

I did not see any emails going out of anyone email box with that particular transcript.

**John Hartney**  
LAN Administrator

**Kreindler & Kreindler LLP**

485 Lexington Ave  
New York, NY 10017

T: 212.973.3491

F: 212.972.9432

E-mail: [jhartney@kreindler.com](mailto:jhartney@kreindler.com)

Web: [www.kreindler.com](http://www.kreindler.com)

 Please consider the environment before printing this e-mail.

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**From:** Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>  
**Sent:** Wednesday, July 21, 2021 3:10 PM  
**To:** John Hartney <[JHartney@kreindler.com](mailto:JHartney@kreindler.com)>  
**Subject:** Jarrah Search

Any questions?

**From:** Andrew J. Maoney <AMaoney@krener.com>

**Sent:** Wednesday, July 21, 2021 5:14 PM EDT

**To:** Jim Krener <JKrener@krener.com>; Steven R. Pounan <Spounan@krener.com>; Megan Bennett <Mbenett@krener.com>

**Subject:** Jarrah

I asked John Hartney to search the outgoing email boxes of the KK 9/11 team since we received the Jarrah depo transcript on June 28 to see if anyone sent the Jarrah transcript to anyone outside the firm. He looked at Jim, Duke, Steve, John, Megan, Julia, Debbie, Lisa and Izabela. He found no evidence that the transcript was sent to anyone outside the firm.

I asked him to also look for any emails to Mike Isikoff in the last month and he will finish that separate search tomorrow. I told him we may be asked to have him sign an affidavit some day but not at this time.

Sent from my iPhone

IOS IMESSAGE/SMS/MMS

CHAT PARTICIPANTS	
Number of participants	3
Display names	+ [REDACTED] 5963 John Hartney [REDACTED] Local User
Local user	
CONVERSATION DETAILS	
Number of messages	332
First message sent date/time	11/17/2020 12:26:49 AM
Last message sent date/time	7/28/2021 11:30:30 PM
Case time zone	(UTC) Coordinated Universal Time

Local User <Andrew Maloney iPhone-Decrypted>

↔ Unknown direction  
7/22/2021 1:34:11 AM

As anticipated, the Saudis tomorrow at 3:00 will make a motion in court to investigate the Isikoff - Jarrah leak. Please finish your second search on Isikoff ASAP and let me know tomorrow before noon if possible.

IOS IMESSAGE/SMS/MMS

CHAT PARTICIPANTS	
Number of participants	3
Display names	[REDACTED]5963
	John Hartney [REDACTED]
	Local User
Local user	
CONVERSATION DETAILS	
Number of messages	332
First message sent date/time	11/17/2020 12:26:49 AM
Last message sent date/time	7/28/2021 11:30:30 PM
Case time zone	(UTC) Coordinated Universal Time

John Hartney [REDACTED]

↔ Unknown direction  
7/22/2021 10:54:45 AM

Perform search on isikoff name and email address and found noone sent him the transcript there is email communication with Jim discussing lifting of gag order and isikoff writing an article

**From:** John Hartney <JHartney@kre nd er.com>  
**Sent:** Thursday, Ju y 22, 2021 10:32 AM EDT  
**To:** Andrew J. Ma oney <AMa oney@kre nd er.com>  
**Subject:** FW: [E] Re: check ng n

---

**From:** J m Kre nd er  
**Sent:** Tuesday, Ju y 13, 2021 1:26 PM  
**To:** M chae ls koff <m s koff@ver zonmed a.com>  
**Subject:** Re: [E] Re: check ng n

W do

Sent from my Phone

On Ju 13, 2021, at 1:25 PM, M chae ls koff <[m s koff@ver zonmed a.com](mailto:m s koff@ver zonmed a.com)> wrote:

**CAUTION:** Th s ema or g nated from outs de of the organ zat on. Do not c ck nks or open attachments un ess you are expect ng the nk or attachment from the sender and know the content s safe.

Ok, a m ng to wr te someth ng for Thursday or Fr day -- so f any update by then, et me know.

On Tue, Ju 13, 2021 at 12:31 PM J m Kre nd er <[JKre nd er@kre nd er.com](mailto:JKre nd er@kre nd er.com)> wrote:

St work ng on mot on. Too many chefs....

Sent from my Phone

On Ju 13, 2021, at 11:53 AM, M chae ls koff <[m s koff@ver zonmed a.com](mailto:m s koff@ver zonmed a.com)> wrote:

**CAUTION:** Th s ema or g nated from outs de of the organ zat on. Do not c ck nks or open attachments un ess you are expect ng the nk or attachment from the sender and know the content s safe.

H J m-- where do you stand on your request to DOJ to ft the state secrets pr v ege and gag order? Am p ann ng on wr t ng someth ng th s week.

M ke ls koff  
c 202-258-2535

**From:** AMa oney@kre nd er.com <AMa oney@kre nd er.com>  
**Sent:** Thursday, Ju y 22, 2021 10:35 AM EDT  
**To:** John Hartney <JHartney@kre nd er.com>  
**Subject:** Re: Thurs. Ju y 1st 2:30pm - Is koff - Consp racy and Interv ew

Thank you. Is that a there s?

Sent from my Phone

On Ju 22, 2021, at 10:33 AM, John Hartney <JHartney@kre nd er.com> wrote:

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**From:** J m Kre nd er  
**Sent:** Monday, June 28, 2021 2:34 PM  
**To:** Mark Seman <mark@yahooneews.com>  
**Cc:** M chae Is koff <m s koff@ver zonmed a.com>  
**Subject:** Re: Thurs. Ju y 1st 2:30pm - Is koff - Consp racy and Interv ew

Thanks

Sent from my Phone

On Jun 28, 2021, at 2:28 PM, Mark Seman <[mark@yahooneews.com](mailto:mark@yahooneews.com)> wrote:

**CAUTION:** Th s ema or g nated from outs de of the organ zat on. Do not c ck nks or open attachments un ess you are expect ng the nk or attachment from the sender and know the content s safe.

J m,

I hope you are we .  
Mark here - M chae Is koff's producer.

Here's the Zoom Intv. nfo for th s Thurs. at 2:30pm

Mark Seman s nv t ng you to a schedu ed Zoom meet ng.

Top c: Is koff w/ J m Kre nd er & A Soufan  
T me: Ju 1, 2021 02:30 PM Eastern T me (US and Canada)

Jo n Zoom Meet ng  
<https://us02web.zoom.us/j/89967891280?pwd=OWtVZDRvZGduUVROC9UeUt0OVVsZz09>

Meet ng ID: 899 6789 1280  
Passcode: 420714  
One tap mob e  
+16465588656,,89967891280#,,,\*420714# US (New York)  
+13017158592,,89967891280#,,,\*420714# US (Wash ngton DC)

D a by your ocat on  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Wash ngton DC)  
+1 312 626 6799 US (Ch cago)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
Meet ng ID: 899 6789 1280  
Passcode: 420714  
F nd your oca number: <https://us02web.zoom.us/j/89967891280?pwd=OWtVZDRvZGduUVROC9UeUt0OVVsZz09>

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Mark Seman  
Head of Aud o / Podcasts  
Yahoo News  
917.723.4639







**From:** Steven R. Pounian <Spounian@kreindler.com>  
**Sent:** Thursday, August 12, 2021 6:26 PM EDT  
**To:** Steven R. Pounian <Spounian@kreindler.com>  
**Subject:** FW: Search for Jarrah Transcript being sent

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**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 3:53 PM  
**To:** Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Debra Pagan <dpagan@kreindler.com>  
**Subject:** Fwd: Search for Jarrah Transcript being sent

Sent from my iPhone

Begin forwarded message:

**From:** John Hartney <[JHartney@kreindler.com](mailto:JHartney@kreindler.com)>  
**Date:** July 29, 2021 at 3:40:37 PM EDT  
**To:** "Andrew J. Maloney" <[amaloney@kreindler.com](mailto:amaloney@kreindler.com)>  
**Subject:** Search for Jarrah Transcript being sent

Performed two searches on mailboxes one search on the last name Jarrah and one with the filename of the deposition that was sent to us by Golkow reporting mj061721

The results are as follows

Andrew Maloney – Send to John Hartney

Debra Pagan – Send to Carolyn Martinez [cmartinez@baummiesterlaw.com](mailto:cmartinez@baummiesterlaw.com)  
John Fawcett  
Julia Sienski

John Fawcett – **Redacted**

Jim Kreindler – No one

Julia Sienski – No one

Lisa Ranieri – Megan Benett

Megan Benett – No one

Steven Pounian – No one

Keep in mind text in attachments are not searchable with the Ediscovery tool in Microsoft exchange

**From:** Steven R. Pounian <Spounian@kreindler.com>  
**Sent:** Thursday, August 12, 2021 6:36 PM EDT  
**To:** Megan Benett <Mbenett@kreindler.com>  
**Subject:** FW: Search for Jarrah Transcript being sent

Here is email from Hartney about his searches..

Redacted

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**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 3:53 PM  
**To:** Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Debra Pagan <dpagan@kreindler.com>  
**Subject:** Fwd: Search for Jarrah Transcript being sent

Sent from my iPhone

Begin forwarded message:

**From:** John Hartney <JHartney@kreindler.com>  
**Date:** July 29, 2021 at 3:40:37 PM EDT  
**To:** "Andrew J. Maloney" <amaloney@kreindler.com>  
**Subject:** Search for Jarrah Transcript being sent

Performed two searches on mailboxes one search on the last name Jarrah and one with the filename of the deposition that was send to us by Golkow reporting mj061721

The results are as follows

Andrew Maloney – Send to John Hartney

Debra Pagan – Send to Carolyn Martinez <cmartinez@baummiesterlaw.com>  
John Fawcett  
Julia Sienski

John Fawcett – Redacted

Jim Kreindler – No one

Julia Sienski – No one

Lisa Ranieri – Megan Benett

Megan Benett – No one

Steven Pounian – No one

Keep in mind text in attachments are not searchable with the Ediscovery tool in Microsoft exchange

**From:** Andrew J. Maoney <AMaoney@kreindler.com>  
**Sent:** Tuesday, August 31, 2021 11:53 AM EDT  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** RE: Hartney dec arat on on Jarrah Search

Court actually asked us to cover June 1 2021 to Aug 1 2021  
  
believe asked you only to look at June 17 (day one of Jarrah depo) through July 15 when story came out

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**From:** John Hartney  
**Sent:** Tuesday, August 31, 2021 11:30 AM  
**To:** Andrew J. Maoney <AMaoney@kreindler.com>  
**Subject:** Re: Hartney dec arat on on Jarrah Search

A so what was the date range ?

**John Hartney**  
LAN Administrator

**Kreindler & Kreindler LLP**  
485 Lexington Ave  
New York, NY 10017

T 212 973 3491  
F 212 972 9432

E mail [jhartney@kreindler.com](mailto:jhartney@kreindler.com)  
Web [www.kreindler.com](http://www.kreindler.com)

 ease codes reviewed before publishing search

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**From:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Sent:** Tuesday, August 31, 2021 11:28 AM  
**To:** John Hartney <[JHartney@kreindler.com](mailto:JHartney@kreindler.com)>  
**Subject:** RE: Hartney dec arat on on Jarrah Search

[mskoff@yahoo.com](mailto:mskoff@yahoo.com) and [mskoff@oath.com](mailto:mskoff@oath.com)  
  
also f Fawcett sent the transcript to our consultant need to know date

---

**From:** John Hartney  
**Sent:** Tuesday, August 31, 2021 10:59 AM  
**To:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Subject:** Re: Hartney dec arat on on Jarrah Search

I would like to redo the searches on the journalist's email address don't fee confident searched both email addresses  
can you send me the two email addresses?

**John Hartney**  
LAN Administrator

**Kreindler & Kreindler LLP**  
485 Lexington Ave  
New York, NY 10017

T 212 973 3491  
F 212 972 9432

E mail [jhartney@kreindler.com](mailto:jhartney@kreindler.com)  
Web [www.kreindler.com](http://www.kreindler.com)

 ease codes reviewed before publishing search

---

**From:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Sent:** Monday, August 30, 2021 4:06 PM  
**To:** John Hartney <[JHartney@kreindler.com](mailto:JHartney@kreindler.com)>  
**Subject:** Hartney dec arat on on Jarrah Search

Here is my first draft Please review for accuracy Let me know if you have questions or changes or additions after which I will share with Megan and Steve

**From:** John Hartney <JHartney@kre nd er.com>  
**Sent:** Tuesday, August 31, 2021 12:01 PM EDT  
**To:** Andrew J. Ma oney <AMa oney@kre nd er.com>  
**Subject:** Re: Hartney dec arat on on Jarrah Search

yes your r ght

**John Hartney**  
LAN Adm n st ato

**Kreindler & Kreindler LLP**  
485 Lex ngton Ave  
New Yo k, NY 00 7

T 2 2 973 349  
F 2 2 972 9432

E-ma  
Web

[jha tney@k e nd e .com](mailto:jha tney@k e nd e .com)  
[www.k e nd e .com](http://www.k e nd e .com)

ease co s de

e e v o

e befo e p

g s e a

**From:** Andrew J. Ma oney <AMa oney@kre nd er.com>  
**Sent:** Tuesday, August 31, 2021 11:56 AM  
**To:** John Hartney <JHartney@kre nd er.com>  
**Subject:** RE: Hartney dec arat on on Jarrah Search

th nk you also searched “ s koff” correct? Wouldn’t that cover all of them desp te var at ons?

**From:** John Hartney  
**Sent:** Tuesday, August 31, 2021 11:53 AM  
**To:** Andrew J. Ma oney <AMa oney@kre nd er.com>  
**Subject:** Re: Hartney dec arat on on Jarrah Search

The ema address searched on was [m s koff@ver zonmed a.com](mailto:m s koff@ver zonmed a.com) so he has three ema addresses

**John Hartney**  
LAN Adm n strator

**Kreindler & Kreindler LLP**  
485 Lex ngton Ave  
New York NY 10017

T 212 973 3491  
F 212 972 9432

E ma l  
Web

[hartney@kre ndler.com](mailto:hartney@kre ndler.com)  
[www.kre ndler.com](http://www.kre ndler.com)

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**From:** Andrew J. Ma oney <[AMa oney@kre nd er.com](mailto:AMa oney@kre nd er.com)>  
**Sent:** Tuesday, August 31, 2021 11:28 AM  
**To:** John Hartney <[JHartney@kre nd er.com](mailto:JHartney@kre nd er.com)>  
**Subject:** RE: Hartney dec arat on on Jarrah Search

[m s koff@yahoo .nc.com](mailto:m s koff@yahoo .nc.com) and [m s koff@oath.com](mailto:m s koff@oath.com)  
also f Fawcett sent the transcr pt to our consultant need to know date

**From:** John Hartney  
**Sent:** Tuesday, August 31, 2021 10:59 AM  
**To:** Andrew J. Ma oney <[AMa oney@kre nd er.com](mailto:AMa oney@kre nd er.com)>  
**Subject:** Re: Hartney dec arat on on Jarrah Search

I wou d ke to redo the searches on the journa st’s ema s address don’t fee conf dant searched both ema s addresses  
can you send me the two ema addresses?

**John Hartney**  
LAN Adm n strator

**Kreindler & Kreindler LLP**  
485 Lex ngton Ave  
New York NY 10017

T 212 973 3491  
F 212 972 9432

E ma l  
Web

[hartney@kre ndler.com](mailto:hartney@kre ndler.com)  
[www.kre ndler.com](http://www.kre ndler.com)

ease co s de

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**From:** Andrew J. Ma oney <[AMa oney@kre nd er.com](mailto:AMa oney@kre nd er.com)>  
**Sent:** Monday, August 30, 2021 4:06 PM  
**To:** John Hartney <[JHartney@kre nd er.com](mailto:JHartney@kre nd er.com)>  
**Subject:** Hartney dec arat on on Jarrah Search

Here s my frst draft Please rev ew for accuracy Let me know f you have quest ons or changes or add t ons after wh ch w ll share w th Megan and Steve

**From:** John Fawcett <[Jfawcett@kreindler.com](mailto:Jfawcett@kreindler.com)>  
**Sent:** Wednesday, September 01, 2021 9:48 AM EDT  
**To:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Subject:** RE:

[It was not under seal](#)

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**From:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Sent:** Wednesday, September 1, 2021 9:45 AM  
**To:** John Fawcett <[Jfawcett@kreindler.com](mailto:Jfawcett@kreindler.com)>  
**Subject:** FW:

[Was this privilege or federal public policy?](#)

---

**From:** John Hartney <[JHartney@kreindler.com](mailto:JHartney@kreindler.com)>  
**Sent:** Wednesday, September 1, 2021 9:07 AM  
**To:** Andrew J. Maoney <[AMaoney@kreindler.com](mailto:AMaoney@kreindler.com)>  
**Subject:** FW:

This was a hit on search engines for three email addresses

---

**From:** John Fawcett  
**Sent:** Monday, July 12, 2021 11:38 AM  
**To:** Michael Skoff <[m.skoff@verizonmed.com](mailto:m.skoff@verizonmed.com)>  
**Subject:**

**John Fawcett**

	<b>Kreindler &amp; Kreindler LLP</b> 485 Lexington Ave New York, NY 10017	T 212 973 3469 F 212 972 9432	E mail <a href="mailto:fawcett@kreindler.com">fawcett@kreindler.com</a> Web <a href="http://www.kreindler.com">www.kreindler.com</a>
	ease codes evolved before publishing		



**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, September 02, 2021 4:16 PM EDT  
**To:** John Hartney <JHartney@kreindler.com>; Debra Pagan <dpagan@kreindler.com>  
**Subject:** FW: Sharefile 9/11 internal investigation

Debbie, can you send me and John a copy of the email you sent to Thea Capone that had a copy of the Jarrah transcript.

I am not sure why he would not have found that or the one Fawcett sent to [Redacted]

---

**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:29 PM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

If you look at the spreadsheet column ItemName it shows that he downloaded

/Dep Videos and Transcripts/Faisal al Muhanna

/Dep Videos and Transcripts/Majed al Mersal

/Dep Videos and Transcripts/Chas Freeman

/Dep Videos and Transcripts/Ismail Mana

/Dep Videos and Transcripts/Roy Olivier

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:23 PM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

Yes please check to see if it was emailed to *anyone* outside of KK.

Of course we needed to know if it was sent to reporter Isikoff, but we will also be asked if it was sent to someone else who may have in turn sent it to Isikoff.

On the shared file server I see one download on July 5 by [Redacted] (one of our translators) but it does not say what was downloaded. Is there a way to know if he downloaded the Jarrah transcript?

---

**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:17 PM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

I thought you ask me if anyone had sent the email to that particular reporter I can go back and find instances that the transcript was to anyone

Attached is the activity on the on Julia's shared folder Dep Videos and Transcripts

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 11:51 AM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** FW: Sharefile 9/11 internal investigation

Hi John,

We need to prioritize with some urgency that you can confirm (possibly in a sworn declaration) that you checked outgoing email boxes for the KK lawyers and staff to see if anyone forwarded the Jarrah deposition transcript outside the firm.

You told me on Monday that you checked and found no such outgoing emails. But John Fawcett sent one to [Redacted] one of our authorized consultants and Debbie said she also emailed a copy to Dorthea Capaone at Baumeister. Shouldn't your search have found these two?

Next question with regards to the file share server. Julia gave me list of who has access to that data base (below). Is there any way to determine who accessed, downloaded and possibly emailed the Jarrah depo transcript from that data base?

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 11:44 AM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** FW: Sharefile



Here is a list of everyone on the Sharefile with access to the Jarrah Dep.

Steve Pounian  
Jim Kreindler  
Megan Bennett  
AJM  
John Fawcett  
Debra Pagan  
John Hartney  
Julia Sienski

Carolyn Martinez (Baumeister)  
Robert Sheps  
Gavin Simpson

Larry Dunham  
[REDACTED]

Emile Nakhleh  
Gary Schroen

Redacted

Let me know if you need anything else.

**Julia Sienski**  
Client Liaison.

**Kreindler & Kreindler LLP**

485 Lexington Ave  
New York, NY 10017

T: 212.973.3492

F: 212.972.9432

E-mail: [jsienski@kreindler.com](mailto:jsienski@kreindler.com)

Web: [www.kreindler.com](http://www.kreindler.com)

 Please consider the environment before printing this e-mail.

**From:** Andrew J. Maloney <AMaloney@kreindler.com>

**Sent:** Thursday, September 02, 2021 5:03 PM EDT

**To:** John Hartney <JHartney@kreindler.com>

**Subject:** FW: Three deps for review FIRST EMAIL

**Attachment(s):** "2021 02-10 Al Qattan Transcript.pdf", "Jarrah Deposition Complete ROUGH.pdf", "june232021.txt"

**Redacted**

**Sent:** Wednesday, September 1, 2021 4:12 PM

**To:** Andrew J. Maloney <AMaloney@kreindler.com>

**Subject:** Fw: Three deps for review FIRST EMAIL

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting the link or attachment from the sender and know the content is safe.

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Tuesday, July 6th, 2021 at 10:30 PM, John Fawcett <[jfawcett@kreindler.com](mailto:jfawcett@kreindler.com)> wrote:

You can't email these around to people that haven't signed the protective order.

**John Fawcett**



Kreindler & Kreindler LLP

485 Lexington Ave  
New York, NY 10017

T: 212.973.3469

F: 212.972.9432

E-mail: [jfawcett@kreindler.com](mailto:jfawcett@kreindler.com)

Web: [www.kreindler.com](http://www.kreindler.com)

Please consider the environment before printing this e-mail.

**From:** Megan Benett <Mbenett@kreindler.com>  
**Sent:** Friday, September 24, 2021 11:47 AM EDT  
**To:** John Hartney <JHartney@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Debra Pagan <dpagan@kreindler.com>; Julia Sienski <jsienski@kreindler.com>; Lisa Ranieri <LRanieri@kreindler.com>  
**CC:** Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** IMPORTANT - 9/11 MDL - Declarations Due on Monday  
**Attachment(s):** "Netburn 2021 8-30 Order re Michael Isikoff declarations.pdf"

All –

Late yesterday, Judge Netburn issued an order requiring that our declarations in connection with the Yahoo! News story about Jarrah be filed on Monday.

I believe that the only people in the office who received or reviewed the transcript are on this email. I am preparing all declarations and will circulate asap – we will need original signatures on each declaration.

Lisa – can you help with compiling the documents and getting them filed on Monday?

John Hartney – we should talk after I send you your draft declaration.

I'm attaching the order that describes what must be included in the declarations – for KK attorneys the relevant section of the order is at p. 1, paras 1-4; for Hartney it is page two para 2; and for everyone else it is page two para 1 (all within Section A). I've included the language below, as well.

If anyone here knows of anyone else at KK (including any of our experts, consultants, etc.) who accessed or received a copy of the Jarrah transcript (rough or final) please let me know.

Call me on **Redacted** today with any questions. I'm working from home today and probably on Monday, as well.

Thanks  
Megan

#### A. Kreindler & Kreindler

The four attorneys from Kreindler & Kreindler identified in the Court's Order at ECF No. 7011 are directed to file supplemental declarations that:

1. identify all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court;
2. declare whether they have ever discussed the contents of the Musaed Al Jarrah deposition with Michael Isikoff or anyone acting on his behalf. Any communication must be described in detail, including whether portions of the transcript were read or testimony was described;
3. state every person with whom they shared the Al Jarrah deposition transcript who has not already supplied the Court with a declaration in this investigation; and
4. state every person that they know had access to the deposition transcripts who has not already supplied a declaration in this investigation.

At least one of these declarations must describe, in detail, the firm's internal investigation that was undertaken in response to the breach of the Protective Orders.

In addition, the Court orders that the following additional declarations be provided:

1. a declaration from any party identified in the supplemental declarations described above employed by or acting at the direction of Kreindler & Kreindler. This shall include the paralegal identified in Paragraph Four of the Megan Wolfe Benett Declaration, ECF No. 7016 at 3. These declarations shall (i) address whether the declarant shared with anyone any portion of the Al Jarrah deposition transcript (either by providing copies of any portion of the transcript, reading any portion of the transcript, or describing it); and (ii) identify and describe all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court; and
2. a declaration from the head of the law firm's information technology group or other comparable figure describing the investigation that was undertaken in response to the breach of the Protective Order. That declaration should demonstrate that a forensic analysis was done to identify who accessed the deposition transcripts, determine the dates of any access, and assess whether anyone from the firm emailed either of the two known Isikoff email addresses (*i.e.*, [misikoff@yahoo-inc.com](mailto:misikoff@yahoo-inc.com) or [misikoff@oath.com](mailto:misikoff@oath.com)) or any other email addresses known to be associated with Isikoff. If the investigation revealed such emails sent or received between June 1, 2021, and August 1, 2021, those must be provided.

**Megan Benett**  
Partner



Kreindler & Kreindler LLP  
485 Lexington Ave  
New York, NY 10017

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F: 212.972.9432 · Web: [www.kreindler.com](http://www.kreindler.com)

Please consider the environment before printing this e-mail.



**From:** Steven R. Pounian <Spounian@kreindler.com>  
**Sent:** Friday, September 24, 2021 2:19 PM EDT  
**To:** Megan Benett <Mbenett@kreindler.com>  
**Subject:** RE: IMPORTANT - 9/11 MDL - Declarations Due on Monday

Hi MB

Let me know if you need any help with this...I can go over things this afternoon or over weekend.

I just read over [Redacted] signed declaration. I would not have included some of the information (certain details about his work history and the date of his retainer for instance). I'm also concerned about sharing [Redacted] name with KSA since he is living abroad. Are we planning to file his declaration with the court only ex parte?

Thx s

---

**From:** Megan Benett <Mbenett@kreindler.com>  
**Sent:** Friday, September 24, 2021 11:48 AM  
**To:** John Hartney <JHartney@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Debra Pagan <dpagan@kreindler.com>; Julia Sienski <jsienski@kreindler.com>; Lisa Ranieri <LRanieri@kreindler.com>  
**Cc:** Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** IMPORTANT - 9/11 MDL - Declarations Due on Monday

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John Hartney – we should talk after I send you your draft declaration.

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If anyone here knows of anyone else at KK (including any of our experts, consultants, etc.) who accessed or received a copy of the Jarrah transcript (rough or final) please let me know.

Call me on [Redacted] today with any questions. I'm working from home today and probably on Monday, as well.

Thanks  
Megan

#### A. Kreindler & Kreindler

The four attorneys from Kreindler & Kreindler identified in the Court's Order at ECF No. 7011 are directed to file supplemental declarations that:

1. identify all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court;
2. declare whether they have ever discussed the contents of the Musaed Al Jarrah deposition with Michael Isikoff or anyone acting on his behalf. Any communication must be described in detail, including whether portions of the transcript were read or testimony was described;
3. state every person with whom they shared the Al Jarrah deposition transcript who has not already supplied the Court with a declaration in this investigation; and
4. state every person that they know had access to the deposition transcripts who has not already supplied a declaration in this investigation.

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In addition, the Court orders that the following additional declarations be provided:

1. a declaration from any party identified in the supplemental declarations described above employed by or acting at the direction of Kreindler & Kreindler. This shall include the paralegal identified in Paragraph Four of the Megan Wolfe Benett Declaration, ECF No. 7016 at 3. These declarations shall (i) address whether the declarant shared with anyone any portion of the Al Jarrah deposition transcript (either by providing copies of any portion of the transcript, reading any portion of the transcript, or describing it); and (ii) identify and describe all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court; and
2. a declaration from the head of the law firm's information technology group or other comparable figure describing the investigation that was undertaken in response to the breach of the Protective Order. That declaration should demonstrate that a forensic analysis was done to identify who accessed the deposition transcripts, determine the dates of any access, and assess whether anyone from the firm emailed either of the two known Isikoff email addresses (*i.e.*, [misikoff@yahoo-inc.com](mailto:misikoff@yahoo-inc.com) or [misikoff@oath.com](mailto:misikoff@oath.com)) or any other email addresses known to be associated with Isikoff. If the investigation revealed such emails sent or received between June 1, 2021, and August 1, 2021, those must be provided.

Megan Benett  
Partner



Kreindler & Kreindler LLP

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New York, NY 10017

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E-mail: [mbenett@kreindler.com](mailto:mbenett@kreindler.com)

Web: [www.kreindler.com](http://www.kreindler.com)

Please consider the environment before printing this e-mail.

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Friday, September 24, 2021 3:27 PM EDT  
**To:** Megan Benett <Mbenett@kreindler.com>  
**Subject:** FW: Mussaed al Jarrah - 06.17.21 & 06.18.21 -Terrorist Attacks on September 11, 2001 MDL No. 1570 - FINAL  
**Attachment(s):**  
"mj061721.pdf", "mj061721.ptx", "mj061721.txt", "mj061721Redacted.pdf", "mj061721Redacted.ptx", "mj061721Redacted.txt", "mj061821.pdf", "mj061821.ptx", "mj061821.txt", "mj061821Redacted.pdf", "mj061821Redacted.ptx", "mj061821Redacted.txt"

**From:** Andrew J. Maloney  
**Sent:** Friday, July 16, 2021 2:50 PM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** FW: Mussaed al Jarrah - 06.17.21 & 06.18.21 -Terrorist Attacks on September 11, 2001 MDL No. 1570 - FINAL

John,

The attached deposition transcript of Jarrah (a Saudi Embassy official) was sent to us on June 28, 2021. The transcript is under a protective order and not supposed to be shared with clients or the public and only with people on the 9/11 team who have signed the confidentiality order, which includes our consultants.

Yesterday Yahoo News reporter Michael Isikoff published an article purporting to quote from the deposition transcript. He did not reveal who or how he obtained the transcript, but whoever gave it to him violated the court's protective order.

The PEC is investigating if any of the plaintiffs firms leaked the transcript to the media or a client or other who may have leaked it. Our experts are permitted to see a copy and John F sent a copy to Consultant [REDACTED] (which is fine) but did not see any other. Is it possible for you to do a search of KK outgoing emails since June 28 (9:46 pm) that contain this Jarrah transcript? I suppose if you wanted to narrow that even more, you could search the outbox for the 9/11 team: Duke, Jim, Steve, Megan, John F., Debbie, Lisa and Julia S.

Please let me know if this can be done and how burdensome it is. If not too bad, please start to work on it as we may need to respond next week.

**From:** Production\_glkw <Production@golkow.com>  
**Sent:** Monday, June 28, 2021 9:46 PM  
**To:** zRobert Haefele <rhaefele@motleyrice.com>; zJodi W. Flowers <flowers@motleyrice.com>; scarier1@cozen.com; Steven R. Pounian <Spounian@kreindler.com>; Debra Pagan <dpagan@kreindler.com>; Frybicki@andersonkill.com; rheyj@motleyrice.com; jhaileselassie@motleyrice.com; Steven R. Pounian <Spounian@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; Jim Kreindler <JKreindler@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>  
**Cc:** Finals <Finals@golkow.com>; Exhibits\_glkw <exhibits2@litigationsservices.com>  
**Subject:** Mussaed al Jarrah - 06.17.21 & 06.18.21 -Terrorist Attacks on September 11, 2001 MDL No. 1570 - FINAL

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting the link or attachment from the sender and know the content is safe.

Please find attached the FINAL e-transcript and PDF bundle transcript of Mussaed al Jarrah.

Kindly note the exhibits are not yet available. We will send them in a separate email as soon as they're available.

This attachment is in PDF format and contains the condensed mini transcript, Ascii (.txt) and word index. To obtain these other files, select the bookmarks tab on the left side menu in Adobe Reader or select the attachments tab.

The .PTX attachment is in e-transcript format, which requires a downloadable viewer in order to open it. You can obtain the PTX viewer free of charge at the following link: <http://store.westlaw.com/software/ebundle/viewer/default.aspx>. You need only download the viewer once.

If we can be of any further assistance in this matter, please do not hesitate to contact us.

Thank you,  
**Chrissy Tafel**  
**Case Manager**  
One Liberty Place  
1650 Market Street, Suite 5150  
Philadelphia, Pennsylvania 19103  
[www.Golkow.com](http://www.Golkow.com) | 215.586.4223 | 877.370.DEPS | [CTafel@golkow.com](mailto:CTafel@golkow.com)



*In light of the Coronavirus pandemic and in an effort to keep our clients and staff safe, Golkow Litigation Services is modifying our production of hard copy materials. Printed transcripts/exhibits will ONLY be produced upon request. As always, we thank you for your continued support and understanding and hope you remain safe and well.*



**From:** Andrew J. Maloney <AMaloney@kreindler.com>

**Sent:** Friday, September 24, 2021 3:28 PM EDT

**To:** Megan Benett <Mbenett@kreindler.com>

**Subject:** FW: Isikoff

**Attachment(s):** "FW Thurs. July 1st 230pm - Isikoff - Conspiracyland Interview.msg", "FW checking in.msg", "FW [E] Re checking in.msg", "FW Thurs. July 1st 230pm - Isikoff - Conspiracyland Interview.msg", "FW checking in.msg", "FW [E] Re checking in.msg"

---

**From:** Andrew J. Maloney

**Sent:** Thursday, July 22, 2021 10:55 AM

**To:** Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Megan Benett <Mbenett@kreindler.com>

**Subject:** Isikoff

Hartney found only the attached emails from/to KK and Isikoff.

Its Jim communicating with him about our desire to move to lift the gag order. There is no mention of Jarrah or any deposition or anything else.

While KSA would likely make an unsupported argument that more was discussed, particularly given the timing, there was no evidence of that in the emails and no attachments.

I think it is fair to say the tech search revealed no KK communication with Isikoff about Jarrah or any deposition and no Jarrah depo transcript was sent outside the firm save for one sent by John Fawcett to one of our investigating consultants, who signed the protective order

**Redacted**

**From:** Andrew J. Maoney <AMaoney@kreindler.com>  
**Sent:** Friday, September 24, 2021 3:29 PM EDT  
**To:** Megan Bennett <Mbenett@kreindler.com>  
**Subject:** FW:  
**Attachment(s):** "2021 5-6 Unclassified\_privilege\_log\_updated\_May 6 2021.pdf"

---


**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Wednesday, September 1, 2021 9:07 AM  
**To:** Andrew J. Maoney <AMaoney@kreindler.com>  
**Subject:** FW:

This was a hit on searching for three email addresses

---

**From:** John Fawcett  
**Sent:** Monday, July 12, 2021 11:38 AM  
**To:** Michael Skoff <[michael.skoff@verizonmed.com](mailto:michael.skoff@verizonmed.com)>  
**Subject:**

**John Fawcett**

 **KREINDLER** LLP  
485 Lexington Ave  
New York, NY 10017  
T 212 973 3469  
F 212 972 9432  
E mail [jfawcett@kreindler.com](mailto:jfawcett@kreindler.com)  
Web [www.kreindler.com](http://www.kreindler.com)  
 ease codes | eev | e before | g | se | a



**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Friday, September 24, 2021 3:29 PM EDT  
**To:** Megan Benett <Mbenett@kreindler.com>  
**Subject:** FW: Sharefile 9/11 internal investigation

---

**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:29 PM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

If you look at the spreadsheet column ItemName it shows that he downloaded

/Dep Videos and Transcripts/Faisal al Muhanna

/Dep Videos and Transcripts/Majed al Mersal

/Dep Videos and Transcripts/Chas Freeman

/Dep Videos and Transcripts/Ismail Mana

/Dep Videos and Transcripts/Roy Olivier

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:23 PM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

Yes please check to see if it was emailed to *anyone* outside of KK.

Of course we needed to know if it was sent to reporter Isikoff, but we will also be asked if it was sent to someone else who may have in turn sent it to Isikoff.

On the shared file server I see one download on July 5 by **Redacted** (one of our translators) but it does not say what was downloaded. Is there a way to know if he downloaded the Jarrah transcript?

---

**From:** John Hartney <JHartney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 12:17 PM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** RE: Sharefile 9/11 internal investigation

I thought you ask me if anyone had sent the email to that particular reporter I can go back and find instances that the transcript was to anyone

Attached is the activity on the on Julia's shared folder Dep Videos and Transcripts

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 11:51 AM  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** FW: Sharefile 9/11 internal investigation

Hi John,

We need to prioritize with some urgency that you can confirm (possibly in a sworn declaration) that you checked outgoing email boxes for the KK lawyers and staff to see if anyone forwarded the Jarrah deposition transcript outside the firm.

You told me on Monday that you checked and found no such outgoing emails. But John Fawcett sent one to **Redacted** one of our authorized consultants and Debbie said she also emailed a copy to Dorthea Capaone at Baumeister. Shouldn't your search have found these two?

Next question with regards to the file share server. Julia gave me list of who has access to that data base (below). Is there any way to determine who accessed, downloaded and possibly emailed the Jarrah depo transcript from that data base?

---

**From:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Sent:** Thursday, July 29, 2021 11:44 AM  
**To:** Andrew J. Maloney <AMaloney@kreindler.com>  
**Subject:** FW: Sharefile

Here is a list of everyone on the Sharefile with access to the Jarrah Dep.

Steve Pounian  
Jim Kreindler  
Megan Bennett  
AJM  
John Fawcett  
Debra Pagan  
John Hartney  
Julia Sienski

Carolyn Martinez (Baumeister)  
Robert Sheps  
Gavin Simpson

Larry Dunham  
[REDACTED]

Emile Nakhleh  
Gary Schroen  
[REDACTED]

Redacted

Let me know if you need anything else.

**Julia Sienski**  
Client Liaison.

**Kreindler & Kreindler LLP**

485 Lexington Ave  
New York, NY 10017

T: 212.973.3492

E-mail: [jsienski@kreindler.com](mailto:jsienski@kreindler.com)

F: 212.972.9432

Web: [www.kreindler.com](http://www.kreindler.com)

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**Sent:** Friday, September 24, 2021 3:28 PM EDT

**To:** Megan Benett <Mbenett@kreindler.com>

**Subject:** FW: Isikoff

**Attachment(s):** "FW Thurs. July 1st 230pm - Isikoff - Conspiracyland Interview.msg", "FW checking in.msg", "FW [E] Re checking in.msg", "FW Thurs. July 1st 230pm - Isikoff - Conspiracyland Interview.msg", "FW checking in.msg", "FW [E] Re checking in.msg"

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**Redacted**

**From:** Megan Benett <[Mbenett@kre-nd-er.com](mailto:Mbenett@kre-nd-er.com)>  
**Sent:** Friday, September 24, 2021 5:17 PM EDT  
**To:** John Hartney <[JHartney@kre-nd-er.com](mailto:JHartney@kre-nd-er.com)>  
**Subject:** RE: do you want me to wait for the Decarat on? to discuss  
**Attachment(s):** "Hartney Decarat on.docx"

Actually use these versions

---

**From:** Megan Benett  
**Sent:** Friday, September 24, 2021 5:17 PM  
**To:** John Hartney <[JHartney@kre-nd-er.com](mailto:JHartney@kre-nd-er.com)>  
**Subject:** RE: do you want me to wait for the Decarat on? to discuss

So sorry here is a draft We will probably change the language slightly Can you check to make sure the basic facts are accurate though?

---

**From:** John Hartney  
**Sent:** Friday, September 24, 2021 5:14 PM  
**To:** Megan Benett <[Mbenett@kre-nd-er.com](mailto:Mbenett@kre-nd-er.com)>  
**Subject:** do you want me to wait for the Decarat on? to discuss

Or are we going to do it Monday?

**From:** Megan Benett <Mbenett@kre nd er.com>  
**Sent:** Saturday, September 25, 2021 1:37 PM EDT  
**To:** Steven R. Poun an <Spoun an@kre nd er.com>  
**Subject:** RE: Poun an Dec arat on SRP EDITS  
**Attachment(s):** "Netburn 2021 8-30 Order re M chae Is koff dec arat ons.pdf"

Yes we can say that was st ck ng to the "only answer what she asked for" because 'm so rrated by th s but probably better to add that to everyone's declarat ons and try to avo d yet another of the court's shots across our bow

'm good w th your changes though what had n para 7 of your declarat on m rrored the language of the court order (attached here) am f ne chang ng t or keep ng as t was whatever you th nk

left JF a vo cema l earl er to ask h m the same th ngs you ema led h m about w ll ed t h s declarat on once we hear back We also need to f nd out from JPK how many t mes he talked to s koff f he can recall when and what they d scussed

Also everyone should understand that they need to be sure that the declarat ons are correct and that they can stand by all of the statements f they were to test fy under oath n court am sure the answer s yes but w ll conf rm w th each declarant nd v dually

Thanks  
Megan

---

**From:** Steven R. Poun an  
**Sent:** Saturday, September 25, 2021 1:29 PM  
**To:** Megan Benett <Mbenett@kre nd er.com>  
**Subject:** Poun an Dec arat on SRP EDITS

I made changes attached. I can he p on the others once we agree on a form. Can t everyone say "I have no dea how M chae Is koff got the transcr pt"?

**From:** Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Sent:** Saturday, September 25, 2021 4:49 PM EDT  
**To:** Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>  
**Subject:** RE: Pounian Declaration SRP EDITS 330p  
**Attachment(s):** "Benett Declaration.docx", "Fawcett Declaration.docx", "Hartney Declaration.docx", "Kreindler Declaration.docx", "Maloney Declaration.docx", "Pagan Declaration.docx", "Pounian Declaration.docx", "Ranieri Declaration.docx", "Sienski Declaration.docx", "[REDACTED] Declaration.pdf"

Here are all of the declarations – including mine, which somehow I seem to have forgotten to draft earlier (wishful thinking), even though I named you me...

Let's talk to Fawcett and Jim tomorrow if possible. I'll work on the letter-motion re [REDACTED] now and draft a short letter to be filed with the declarations.

---

**From:** Steven R. Pounian  
**Sent:** Saturday, September 25, 2021 3:46 PM  
**To:** Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Subject:** RE: Pounian Declaration SRP EDITS 330p

On the bullet points paragraph when we reference the Court's order we should add the ECF No.

---

**From:** Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Sent:** Saturday, September 25, 2021 3:44 PM  
**To:** Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>  
**Subject:** Re: Pounian Declaration SRP EDITS 330p

Great. I will revise and send to you. It may not be for 45 mins or so.

Sent from my iPhone

On Sep 25, 2021, at 3:39 PM, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)> wrote:

I can look over the others if you have more changes – just let me know

---

**From:** Steven R. Pounian  
**Sent:** Saturday, September 25, 2021 3:39 PM  
**To:** Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Subject:** Pounian Declaration SRP EDITS 330p

I agree – made a few small changes. Thx s

**From:** Megan Benett <Mbenett@kre nd er.com>  
**Sent:** Sunday, September 26, 2021 12:56 PM EDT  
**To:** John Hartney <JHartney@kre nd er.com>  
**Subject:** Is koff ema s

Hi. I got Jim's (thank you) - can you send me the email from Fawcett to Isikoff? Thanks. Megan

Sent from my iPhone



**From:** Mbenett@kre nd er.com <Mbenett@kre nd er.com>  
**Sent:** Sunday, September 26, 2021 3:58 PM EDT  
**To:** John Hartney <JHartney@kre nd er.com>  
**Subject:** Re:

Can you send t to me as a stand-a one ema ke the ones from JPK?

Sent from my Phone

On Sep 26, 2021, at 2:55 PM, John Hartney <JHartney@kre nd er.com> wrote:

Sorry there was one

---

**From:** John Fawcett  
**Sent:** Monday, Ju y 12, 2021 11:38 AM  
**To:** M chae ls koff <m s koff@ver zonmed a.com>  
**Subject:**

**John Fawcett**

<mage001.jpg> **Kreindler & Kreindler LLP**  
485 Lexington Ave T 212 973 3469 E mail [jfawcett@kreindler.com](mailto:jfawcett@kreindler.com)  
New York NY 10017 F 212 972 9432 Web [www.kreindler.com](http://www.kreindler.com)  
 ease co s de e e v o e befo e p g se a  
<2021 5-6 Unc ass fed\_pr v ege\_og\_updated\_May 6 2021.pdf>



**From:** Megan Benett <Mbenett@kreindler.com>  
**Sent:** Sunday, September 26, 2021 5:34 PM EDT  
**To:** Steven R. Pounian <Spounian@kreindler.com>  
**Subject:** Isikoff - Kreindler  
**Attachment(s):** "Kreindler Declaration.docx"

Hi –

Mystery solved – John Hartney forgot to forward to me the first email, which has the subject line “checking in.” And Isikoff called Jim twice the week before that email exchange. I’ve got all of the emails here:

Redacted

Thanks  
Megan

**Megan Benett**  
Partner



Kreindler & Kreindler LLP  
485 Lexington Ave  
New York, NY 10017

T: 212.973.3406 · E-mail: [mbenett@kreindler.com](mailto:mbenett@kreindler.com)  
F: 212.972.9432 · Web: [www.kreindler.com](http://www.kreindler.com)

Please consider the environment before printing this e-mail.

**From:** Megan Benett <Mbenett@kreindler.com>  
**Sent:** Sunday, September 26, 2021 5:43 PM EDT  
**To:** John Hartney <JHartney@kreindler.com>  
**Subject:** Is koff search terms

Just confirm

need all incoming and outgoing and in any delete folders of the following email addresses between June 1 and August 1  
to [misikoff@yahoo-inc.com](mailto:misikoff@yahoo-inc.com), [misikoff@oath.com](mailto:misikoff@oath.com), [misikoff@verizonmedia.com](mailto:misikoff@verizonmedia.com) and [misikoff52@gmail.com](mailto:misikoff52@gmail.com)

Please send all to me in the original / native format

Thanks!  
Megan

**Megan Benett**  
Partner



**Kreindler & Kreindler LLP**

485 Lexington Ave

New York NY 10017

T 212 973 3406

F 212 972 9432

Email [mbenett@kreindler.com](mailto:mbenett@kreindler.com)

Web [www.kreindler.com](http://www.kreindler.com)

ease of use e e v o e before p g s e a

**From:** Megan Benett <Mbenett@kre nd er.com>  
**Sent:** Monday, September 27, 2021 8:23 AM EDT  
**To:** Steven R. Poun an <Spoun an@kre nd er.com>  
**Subject:** RE: Kre nd er Dec arat on 550p  
**Attachment(s):** "Kre nd er Dec arat on.docx"

had to add more n lght of a few more ema ls newest vers on s attached

have not heard back from Fawcett and JPK d d not know about the pr v lege log Should we all John together th s morn ng?

---

**From:** Steven R. Poun an  
**Sent:** Sunday, September 26, 2021 5:52 PM  
**To:** Megan Benett <Mbenett@kre nd er.com>  
**Subject:** Kre nd er Dec arat on 550p

made few ed ts and added sentence re the ema ls Not sure where th ngs stand w th pr v lege log quest on

**From:** Megan Benett <Mbenett@kre nd er.com>  
**Sent:** Monday, September 27, 2021 9:13 AM EDT  
**To:** Ju a S ensk <js ensk @kre nd er.com>  
**Subject:** S ensk Dec arat on  
**Attachment(s):** "S ensk Dec arat on.docx"

H Jul a

Please rev ew th s carefully and make sure t s correct you w ll be s gn ng t under penalty of perjury so we have to make sure t s accurate

Call or ema l w th any ed ts or comments

A f nal vers on must be s gned by hand today and we w ll be f l ng all declarat ons today

Thanks  
Megan

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN)
---	------------------------

*This document relates to:*

All Actions

**DECLARATION OF JULIA SIENSKI**

I, Julia Sienski, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury the following:

1. I am a client liaison and case manager at Kreindler & Kreindler LLP (“Kreindler”) and am involved in Kreindler’s work in the *In re Terrorist Attacks on September 11, 2001* suit.
2. I was asked to provide a declaration in connection with this Court’s inquiry into how investigative reporter Michael Isikoff obtained a copy or portions of the deposition transcript of Kingdom of Saudi Arabia official Musaed al-Jarrah (“Jarrah”).
3. I have no idea how Isikoff obtained a copy of the Jarrah transcript.
4. Kreindler paralegal Debra Pagan forwarded to me the email with the rough transcripts of former Kingdom of Saudi Arabia employee Musaed al-Jarrah (“Jarrah”) and the link from court reporters Golkow Litigation Services providing access to the final Jarrah transcripts. I saved the rough Jarrah transcripts on Kreindler’s server on June 17, 2021 and June 18, 2021 and the final Jarrah transcripts on June 29, 2021. I also uploaded the final Jarrah transcript to Kreindler’s cloud-based storage system on June 29, 2021.
5. My specific answers to the inquiry of this Court’s Order, ECF No. 7082 at 2, (set forth in italics) are underscored below:

- i. *whether the declarant shared with anyone any portion of the Al Jarrah deposition transcript (either by providing copies of any portion of the transcript, reading any portion of the transcript, or describing it);*
  - o I have not shared any portion of the Jarrah transcript with anyone.
- *identify and describe all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021.*
  - o I have never had any communications with Isikoff or anyone acting on his behalf.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York  
September 27, 2021

KREINDLER & KREINDLER LLP

By: \_\_\_\_\_  
JULIA SIENSKI  
485 Lexington Avenue  
New York, New York 10017  
Tel.: 212-687-8181

**From:** John Fawcett

**Sent:** Monday, September 27, 2021 12:23 PM EDT

**To:** Steven R. Pounan <Spounan@krener.com>; Megan Bennett <Mbenett@krener.com>

**Subject:** FW:

**Attachment(s):** "Decarat on.docx"



## Declaration

I have been working for the 9/11 Families as a consultant to Kreindler & Kreindler since 2002. I sent a redacted version of the transcript of the deposition of Musaed al Jarrah to Michael Isikoff in early July, 2021. The redacted portions related to the sections of the deposition which were taken subject to the FBI protective order and irrelevant to the issue at hand, evidence of Jarrah's use of child pornography.

Musaed al Jarrah was the subject of an FBI investigation known as Operation Encore into the Saudi government's support to the 9/11 Plot. Musaed al Jarrah instructed two other Saudi government officials Fahad al Thumairy and Omar al Bayoumi to assist the hijackers in carrying out the plot which resulted in thousands of deaths and injuries.

Musaed al Jarrah was an employee of the Saudi government at its Embassy in Washington DC from 1991 until 2006. During this period of time, and in the locale of Washington DC and Northern Virginia, Musaed al Jarrah committed the criminal acts of terrorism support and possession of child pornography.

No one at Kreindler & Kreindler instructed me to send the transcript to Michael Isikoff nor did anyone at Kreindler & Kreindler have any knowledge of my sending it to Mr. Isikoff. Nor did any consultant or anyone else have any knowledge of my sending the transcript to Mr. Isikoff. Until today, no one aside from myself and Michael Isikoff, was aware that I sent the Jarrah transcript to him.

I sent the transcript to Mr. Isikoff via a non-Kreindler email address. I did so to prevent the partners and staff of Kreindler & Kreindler from knowing about my intended action and to prevent them from stopping me, should they wish to do so.

A protective order should not extend to cover evidence of a criminal act such as possessing and viewing child pornography. The FBI continued to protect Musaed al Jarrah by calling the relationship between the FBI and Jarrah a 'State Secret.' The Kingdom of Saudi Arabia continued to protect their Embassy official by invoking Diplomatic Immunity. Neither has brought legal action despite clear evidence a crime had been committed and there is no evidence to demonstrate that Jarrah has ceased his criminal activity.

The protective order should not be used to cover up evidence of a crime that is not being adjudicated.

If the Saudi Government, the FBI, and the Federal Court of the Southern District of New York continue to protect Musaed al Jarrah rather than prosecute him, then the public at least must be forewarned in order to have some chance to protect themselves. The only venue for such warning is the media.

After the revelations at the deposition that he was a child pornographer, I could not allow Musaed al Jarrah's criminal acts to remain secret, when I had the opportunity to do something about it.

I released the information.

I accept all responsibility for my actions.

Under penalty of perjury, I swear this declaration to be the truth.

September , 2021

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KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE  
1615 M STREET, N.W.  
SUITE 400  
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(202) 326-7999

July 23, 2021

**FILED UNDER SEAL – SUBJECT TO MDL PROTECTIVE ORDER**

*Via ECF (under seal) and electronic mail*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) to seek relief for a violation of the general protective order in this litigation, ECF No. 1900 (“MDL Protective Order”), through unauthorized disclosure of Musaed Al Jarrah’s confidential deposition transcript to Michael Isikoff of Yahoo! News. Isikoff recently published details from the transcript, including verbatim quotations. *See* Ex. A (Michael Isikoff, *FBI tried to flip Saudi official in 9/11 investigation*, Yahoo! News, July 15, 2021). His article states that “a copy of the deposition – with some redactions for law-enforcement sensitive material – was obtained exclusively by Yahoo News.” *Id.* at 2. The Court should order targeted discovery to determine who disclosed the transcript as a step towards enforcement of the MDL Protective Order.

1. On June 17 and June 18, 2021, the Plaintiffs’ Executive Committees (“Plaintiffs”) took Al Jarrah’s deposition. *See* Ex. B (excerpts of Al Jarrah deposition transcripts). Al Jarrah is a former employee who worked in Saudi Arabia’s Embassy during the relevant period. He had no obligation to testify. He voluntarily agreed to do so in part given the confidentiality protections in place. Undersigned counsel represented Al Jarrah in connection with his deposition. At the deposition, Plaintiffs introduced exhibits that were subject to the MDL Protective Order, and Al Jarrah answered questions about those exhibits. *See* Ex. B, [REDACTED]. Those exhibits included documents that Saudi Arabia had voluntarily produced from the files of its Embassy that the Court has ruled are protected by the Vienna Convention on Diplomatic Relations and must be filed only under seal. *See id.* [REDACTED]; *see also* ECF No. 4696 (sealing order), *objections overruled*, ECF No. 6532.

KELLOGG, HANSEN, TODD, FIGEL &amp; FREDERICK, P.L.L.C.

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[REDACTED]

At the close of Al Jarrah's deposition, counsel for Saudi Arabia and Al Jarrah designated the deposition as confidential. *See id.* at 609:17-21. The court reporter marked the transcripts as confidential. *See id.* (top line of all pages). On June 9-11, 2021 and June 28-30, 2021, Plaintiffs also took the depositions of Omar Al Bayoumi, and Fahad Al Thumairy. Those depositions also discussed confidential information and the transcripts were also designated as confidential. As set forth in declarations submitted with this motion, Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. ("Kellogg Hansen"), is the only entity acting on behalf of Saudi Arabia that has received the Al Jarrah, Al Bayoumi, or Al Thumairy transcripts. No person at Kellogg Hansen has sent those transcripts to anyone not authorized to receive them.<sup>2</sup>

2. Michael Isikoff is a correspondent who covers this litigation. On July 5, 2021, Isikoff sent counsel for Saudi Arabia an email requesting comment on an article he was preparing. Ex. D3, ¶ 4 (Kellogg Decl.) & attach. A. That email asked for "any comments you can make in response to what Jim Kreindler had to say about where things stand – and how the depositions went." *Id.* The quotations attributed to "Jim Kreindler" stated: "If I could tell you now everything we knew about the Saudi role, you could see a resolution in Congress to declare war. I mean, it is so dramatic" and "[w]e are thrilled with how the depositions went . . . I can say that we've exposed all kinds of lies. You know, one witness will contradict another. Each person wants to minimize their own role and point fingers at each other." *Id.* (boldface omitted). No one from Kellogg Hansen responded to Isikoff. *See* Exs. D2, ¶ 5, D3, ¶ 4.

<sup>1</sup> [REDACTED]

<sup>2</sup> Exhibits D1 through D27 are declarations from everyone at Kellogg Hansen who has received or accessed the transcripts in the course of their work. Most who received the transcripts sent them to no one at all. *See* Ex. D3, D5-D27. Those who did share the transcripts sent them only to (1) employees of the firm, *see* Exs. D1, ¶¶ 3-5 (Shen Decl.), D2, ¶ 4 (Rapawy Decl.); (2) counsel for Plaintiffs, *see* Ex. D2, ¶ 3; (3) counsel for Dallah Avco, *see* Ex. D2, ¶ 3, (4) counsel for the FBI, *see* Exs. D1, ¶ 10, D2, ¶ 3; or (5) the Court and its personnel, *see* Ex. D2, ¶ 3, D4, ¶ 3. *See* ECF No. 1900, ¶ III.H.3 (setting out categories of persons authorized to receive confidential material); ECF No. 4255, ¶ 10 (authorizing disclosures of transcripts to FBI).



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On July 15, 2021, Yahoo! News published under Isikoff's byline the article attached as Exhibit A. As noted above, the article states that a "copy of the deposition – with some redactions for law-enforcement sensitive material – was obtained exclusively by Yahoo News." Ex. A, at 2. The FBI has not yet approved any redactions of the Al Jarrah transcripts.

Details in the article corroborate Isikoff's statement that he has a copy of the transcripts. The article correctly identifies the number of pages (more than 600). It quotes verbatim from Al Jarrah's [REDACTED] his denial that before the 9/11 attacks he ever heard the names of Khalid Al Mihdhar and Nawaf Al Hazmi. *Compare* Ex. A, at 4-5 with Ex. B, at [REDACTED]. It also purports to give an exact count of the number of times that Al Jarrah used the words "I don't remember." *See* Ex. A, at 7.

The July 15 article contains no direct quotations attributed to Plaintiffs' counsel. We also have not found any other published article containing the quotations that Isikoff attributed to Plaintiffs' counsel in his July 5 email. But the July 15 article does set out "[t]he families' lawyers[']" point of view on the matters it discusses, describing the Al Jarrah, Al Bayoumi, and Al Thumairy depositions as "frustrating" but stating that "the lawyers are . . . making what they believe can be a powerful circumstantial case." Ex. A, at 7-8. Counsel for Plaintiffs are also quoted by name in other articles that Isikoff has written this month referring to this litigation.<sup>3</sup>

3. The MDL Protective Order states that a "Receiving Party may use Protected Material . . . only for prosecuting, defending, or attempting to settle this litigation," ECF No. 1900, ¶ III.H.1; that "Protected Material may be disclosed only to the categories of persons and under the conditions described in this order," *id.*; and that "Protected Material must be stored and maintained by a Receiving Party at a location and in a secure manner that ensures that access is limited to the persons authorized under this Order," *id.* ¶ III.H.2. Depositions marked as containing confidential material "shall be treated in accordance with the provisions of this Order." *Id.* ¶ III.G.4. The deposition transcripts here were so marked.

The facts before the Court show that a violation of the MDL Protective Order has occurred. The article's statement that "Yahoo News" had "obtained" a "copy of the deposition," combined with the corroborating details in the article about the contents of the confidential Al Jarrah deposition transcripts, indicate that Isikoff has a copy of those confidential transcripts. He could have obtained them only through a violation of the MDL Protective Order. Isikoff's public and private statements also provide reason to believe that he had substantive discussions with Plaintiffs' counsel concerning the depositions at the time he was preparing the July 15 article.

4. This Court has broad authority to enforce and devise remedies for violations of its discovery orders. Because the MDL Protective Order was issued pursuant to Federal Rule of

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<sup>3</sup> *See* Ex. C, at 2, 6 (Michael Isikoff, *Prior to his murder, Jamal Khashoggi offered to help 9/11 victims suing Saudi Arabia*, Yahoo! News, July 10, 2021) (offering an "exclusive account" from Plaintiffs' investigator "Catherine Hunt," and quoting "Jim Kreindler").

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Civil Procedure 26(c), *see* ECF No. 1900 preamble, the Court has authority to enforce it under Federal Rule of Civil Procedure 37(b). *See, e.g., Jay v. Spectrum Brands Holdings, Inc.*, 2015 WL 6437581, at \*5 (S.D.N.Y. Oct. 20, 2015) (“[T]his Court has consistently held that a protective order issued under Rule 26(c) can be enforced through Rule 37(b).”); *see also In re Bouchard Transp. Co.*, 2018 WL 1581992, at \*1 (S.D.N.Y. Mar. 28, 2018); *Schiller v. City of New York*, 2007 WL 1623108, at \*3 (S.D.N.Y. June 5, 2007). In addition, the Court also has “inherent power to enforce [its] own orders” and to “issue orders designed to correct wrongs committed through its process.” *Hunt v. Enzo Biochem, Inc.*, 904 F. Supp. 2d 337, 344 (S.D.N.Y. 2012) (discussing the power to enforce confidentiality orders).

Rule 37(b) states that the Court may “issue further just orders” upon a finding that a discovery order has been violated, including but not limited to sanctions. The Court’s inherent powers include “the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). The MDL Protective Order provides that “any violation of this Order is punishable by money damages . . . equitable relief, injunctive relief, sanctions or any other remedy as the Court deems appropriate.” ECF No. 1900, ¶ III.M.2. All of these sources grant the Court flexibility to investigate and remedy the violation of the MDL Protective Order here.

5. The Court should investigate or authorize Saudi Arabia to investigate the circumstances of this serious violation. Saudi Arabia respectfully submits that the Court should follow the procedure suggested in *Schiller v. City of New York* to deal with a similar situation.

In that case, the City of New York and its Police Department (collectively, the “City”) produced confidential police intelligence documents to protestors who alleged they had been wrongfully arrested. *See* 2007 WL 1623108, at \*1. The *New York Times* published articles suggesting its reporters had the documents. *See id.* at \*2. The City asked the Court to order the protestors’ attorneys to declare under oath whether they had or had not given the *Times* the documents. *See id.* at \*4. Judge Francis declined, but said he would “consider granting the relief requested by the defendants” if he “were satisfied that any breach of the protective orders most likely originated with plaintiffs’ counsel.” *Id.* That would require the City to “provide declarations from everyone who had access to the Intelligence Documents, attesting that they did not disclose the documents in violation of the protective order, and identifying everyone to whom they did provide the documents.” *Id.* By doing so, the City could establish “a complete and accurate chain of custody” and its “lack of responsibility for the breach.” *Id.*

Here, Saudi Arabia is showing it was not responsible for the breach of confidentiality by submitting sworn declarations from every individual who, while acting as counsel, or at the direction of counsel for Saudi Arabia in this matter, accessed or received the Al Jarrah deposition transcripts. That is enough to “shift . . . the burden . . . [to] demonstrat[e] . . . innocence,” *id.*, to the other parties who received the transcripts – particularly counsel for Plaintiffs who have been in contact with Isikoff about his recent articles. Saudi Arabia respectfully requests that the Court now direct all other entities or individuals with access to the transcripts to submit declarations to



KELLOGG, HANSEN, TODD, FIGEL &amp; FREDERICK, P.L.L.C.

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the Court similar to those submitted by Saudi Arabia. Further, because counsel for Plaintiffs communicated with Isikoff concerning the Al Jarrah, Al Bayoumi, and Al Thumairy depositions at or around the time that Isikoff published the article, the Court should direct similar disclosures as to the Al Bayoumi and Al Thumairy transcripts; and should direct each declarant also to identify, describe, and where applicable produce, communications with Isikoff from June 1, 2021 to the present. A proposed order is being sent to chambers with this letter.

In the alternative, if the Court does not order that the above disclosures be made to the Court directly, Saudi Arabia respectfully requests authorization to conduct limited, targeted party and third-party discovery to investigate this violation of the MDL Protective Order.

Before sending this letter, Saudi Arabia requested the positions of Plaintiffs, Dallah Avco, all parties whose counsel attended the deposition, and the FBI on the relief sought. Various Plaintiffs' firms responded separately, including some not on the Plaintiffs' Executive Committees. All Plaintiffs who responded represented that they had not given the transcripts to Isikoff. Some, but not all, represented that they had no communications with him. Several disagreed that the intervention of the Court was required and suggested a voluntary exchange of information. Dallah Avco consented to the relief requested. The FBI agreed that inquiry was warranted, but asked that the FBI and the Department of Justice ("DOJ") not be required to submit declarations, at least for now.<sup>4</sup> Saudi Arabia proceeded with this motion because a Court-supervised process is appropriate to investigate this violation of the Court's order and because inquiry into communications with Isikoff is a necessary part of that process.

\* \* \*

As the Second Circuit observed in *Eli Lilly & Co. v. Goldstein*, 617 F.3d 186 (2d Cir. 2010), inability to enforce protective orders would "eviscerate courts' ability to manage discovery, and, hence, litigation." *Id.* at 195. Saudi Arabia has voluntarily produced thousands of pages of confidential material from its Embassy and the highest offices of its government, relying on the MDL Protective Order to keep those documents confidential. Al Jarrah testified voluntarily [REDACTED].

He too should have been able to rely on the MDL Protective Order for protection against the "embarrassment, oppression, or undue burden," Fed. R. Civ. P. 26(c), of having those questions and answers made public. The Court and the parties have also spent untold hours developing and applying rules and procedures to protect confidential information. The party or counsel who disclosed the transcripts to Isikoff has shown contempt for that process. The Court should act to protect the integrity of its proceedings and ensure future respect for its orders.

---

<sup>4</sup> Saudi Arabia agrees that the FBI need not submit declarations at this time because, to the best of our knowledge, the FBI had only rough versions of the Al Jarrah transcripts and the page count in the Isikoff article ("more than 600") matches the final versions, not the rough.



KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

The Honorable Sarah Netburn  
July 23, 2021  
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**SUBJECT TO MDL PROTECTIVE ORDER**

Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: Counsel for Plaintiffs, Dallah Avco, and the FBI  
All counsel who attended the deposition of Musaed Al Jarrah, Omar Al Bayoumi, or  
Fahad Al Thumairy

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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001  
\_\_\_\_\_

)  
)  
)  
)  
)

Civil Action No. 03 MDL 1570 (GBD) (SN)  
ECF Case

This document relates to:

*All cases*

**DECLARATION OF MICHAEL K. KELLOGG**

I, Michael K. Kellogg, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that:

1. I am an attorney with the law firm of Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. (“Kellogg Hansen”). I represent the Kingdom of Saudi Arabia (“Saudi Arabia”) in the above-captioned action.

2. I have received and accessed copies of the rough and final transcripts of the depositions of Mussaed Al Jarrah (on June 17 and 18, 2021), Omar Al Bayoumi (June 9, 10, and 11, 2021), and Fahad Al Thumairy (June 28, 29, and 30, 2021).

3. I have never provided copies of the rough or final transcripts of these depositions to anyone outside of Kellogg Hansen.


4. I have never shared any copy of the rough or final transcripts of the Al Jarrah, Al Bayoumi, or Al Thumairy depositions with Michael Isikoff. I have no knowledge of anyone at Kellogg Hansen, or anyone working at Kellogg Hansen’s direction, who has shared copies of the rough or final transcript of the Al Jarrah, Al Bayoumi, or Al Thumairy depositions with Mr. Isikoff. Mr. Isikoff has contacted me in the past to request comment on a story he was working

**FILED UNDER SEAL – SUBJECT TO MDL PROTECTIVE ORDER**

on, but I have never given him comment about this case. A true and correct copy of a July 5, 2021 email from Mr. Isikoff to me is attached as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: July 20, 2021

  
Michael K. Kellogg

**From:** Michael Isikoff <[misikoff@verizonmedia.com](mailto:misikoff@verizonmedia.com)>

**Date:** July 5, 2021 at 12:59:34 PM EDT

**To:** "Kellogg, Michael K." <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, [mkellog@khhte.com](mailto:mkellog@khhte.com)

**Subject:** [EXTERNAL] questions for 9/11 lawsuit story

Michael Kellogg-

With the depoistions of Jarrah, Bayoumi and Thumairy now completed, am doing a story on the state of the 9/11 lawsuit in which I would appreciate any comments you can make in response to what Jim Kreindler had to say about where things stand-- and how the depositions went: **"If I could tell you now everything we knew about the Saudi role, you could see a resolution in Congress to declare war. I mean, it is so dramatic..."****"We are thrilled with how the depositions went,. I can say that we've exposed all kinds of lies. You know, one witness will contradict another. Each person wants to minimize their own role and point fingers at each other."**

**This would be for a story slated for Wednesday so any comment appreciated by mid afternoon tomorrow.**

**Mike Isikoff**

**Yahoo News**

**c 202-258-2535**